

**MARITAL RAPE IN INDONESIA: A STUDY OF  
THE NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN'S  
ANNUAL NOTES FOR 2019-2021**



**UNDERGRADUATE THESIS**

**SUBMITTED TO THE FACULTY OF SHARIA AND LAW  
SUNAN KALIJAGA ISLAMIC STATE UNIVERSITY  
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE  
BACHELOR'S DEGREE IN ISLAMIC LAW**

**BY:**

**AZHARIYYA NOOR OKTAVIANA  
17103050097**

**UNDER THE SUPERVISION OF:  
DR. AHMAD BUNYAN WAHIB, M.AG., M.A**

**ISLAMIC FAMILY LAW DEPARTMENT  
SHARIA AND LAW FACULTY  
SUNAN KALIJAGA STATE ISLAMIC UNIVERSITY  
YOGYAKARTA**

**2023**

## ABSTRACT

Family is intended to be the safest environment for family members. However, it is pretty common for a family member to commit domestic violence. Husbands frequently conduct violence against their spouses, especially in married situations. The type of domestic violence under consideration in this study is marital rape. The number of reported instances of domestic violence increased in the context of covid-19, according to *Komnas Perempuan's* Annual Notes. However, the number of recorded instances of marital rape has plummeted.

The type of research the compiler utilized is qualitative research method. This study employs descriptive analysis research characteristics to acquire a thorough grasp before analyzing the data using deductive reasoning. In arranging this thesis, legal sociology is employed as a research approach, it is a discipline that empirically and analytically evaluates the mutual interdependence between law and other social symptoms. Since the compiler conducts library research, the documentation method is used to gather data. This technique involves gathering information from various sources, such as documents and archives related to the specific subject.

The conclusion of this study indicates that the variables which contributed to the decrease in marital rape recorded in the Annual Notes are related to the community's inadequate implementation of the law on marital rape, resulting in *Komnas Perempuan's* ineffectiveness in dealing with marital rape cases during the pandemic. Moreover, the forms of marital rape occurrences in the *Komnas Perempuan's* Annual Notes include forced sexual intercourse during the wife's menstrual cycle, sodomy, and when the wife is feeling unwell. These forms are compliant with Islamic law (as well as Law No. 23 of 2004), which forbids any sexual relationship that causes harm to one of the parties.

**Keywords: Marital Rape, Domestic Violence, Covid-19, Komnas Perempuan, Annual Notes.**

## ORIGINALITY AND PLAGIARISM-FREE STATEMENT

### ORIGINALITY AND PLAGIARISM-FREE STATEMENT

The undersigned:

Name : Azhariyya Noor Oktaviana  
SRN : 17103050097  
Department : Islamic Family Law  
Faculty : Sharia and Law  
Thesis Title : "MARITAL RAPE IN INDONESIA: A STUDY OF  
THE NATIONAL COMMISSION ON VIOLENCE  
AGAINST WOMEN'S ANNUAL NOTES FOR 2019-  
2021"

Hereby declare that the manuscript of this thesis as a whole is the result of my own research and not plagiarized from the work of others except in parts that have been referred to the source.

Thus, I make this statement truthfully.

Yogyakarta, 23 Jumadil Akhirah 1445 H  
7 Desember 2023 M

I am the one who declared,

  
  
Azhariyya Noor Oktaviana  
SRN. 17103050097

STATE ISLAMIC UNIVERSITY  
SUNAN KALIJAGA  
YOGYAKARTA

## **BACHELOR THESIS APPROVAL LETTER**

Subject : Ms. Azhariyya Noor Oktaviana's Bachelor Thesis

To the honorable,

Dean of the Sharia and Law Faculty

Sunan Kalijaga State Islamic University Yogyakarta

*Assalamu'alaikum Wr. Wb.*

Having read, examined, instructed, corrected and made necessary improvements, I as a supervisor, approve of the thesis arranged by:

Name : Azhariyya Noor Oktaviana

SRN : 17103050097

Thesis Title : "MARITAL RAPE IN INDONESIA: A STUDY OF THE NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN'S ANNUAL NOTES FOR 2019-2021"

I hereby expect that this bachelor thesis can be examined (*munaqasyah*) immediately.

*Wassalamu'alaikum. Wr. Wb.*

Yogyakarta, 23 Jumadil Akhirah 1445 H

7 December 2023

Supervisor,



**Dr. Ahmad Bunyan Wahib, M.Ag., M.A**

**EIN. 19750326 199803 1 002**

# FINAL ASSIGNMENT RATIFICATION SHEET



KEMENTERIAN AGAMA  
UNIVERSITAS ISLAM NEGERI SUNAN KALIJAGA  
FAKULTAS SYARI'AH DAN HUKUM  
Jl. Marsda Adisucipto Telp. (0274) 512840 Fax. (0274) 545614 Yogyakarta 55281

## PENGESAHAN TUGAS AKHIR

Nomor : B-1545/Un.02/DS/PP.00.9/12/2023

Tugas Akhir dengan judul : MARITAL RAPE IN INDONESIA :A STUDY OF THE NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN'S ANNUAL NOTES FOR 2019-2021

yang dipersiapkan dan disusun oleh:

Nama : AZHARIYYA NOOR OKTAVIANA  
Nomor Induk Mahasiswa : 17103050097  
Telah diujikan pada : Rabu, 13 Desember 2023  
Nilai ujian Tugas Akhir : A

dinyatakan telah diterima oleh Fakultas Syari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta

## TIM UJIAN TUGAS AKHIR



Ketua Sidang  
Dr. Ahmad Bunyan Wahib, M.Ag., M.A.  
SIGNED

Valid ID: 6583e752ca84a



Penguji I  
Prof. Dr. H. Khoiruddin, M.A.  
SIGNED

Valid ID: 6583ee6bbca46



Penguji II  
Dr. Siti Muna Hayati, M.H.I.  
SIGNED

Valid ID: 6582c21e03b8d



Yogyakarta, 13 Desember 2023  
UIN Sunan Kalijaga  
Dekan Fakultas Syari'ah dan Hukum  
Prof. Dr. Drs. H. Makhrus, S.H., M.Hum.  
SIGNED

Valid ID: 6583f0e42d638

## MOTTO

“Sometimes, I’d feel restless watching my friends go on far ahead of me, and attempting to keep up with their speed would only leave me breathless. I soon realized that their pace was not my own. I’d go at my own pace, steadily. If any of you feels lost in the face of doubt and uncertainty, or the pressure of starting anew, don’t rush. Take a deep breath. You may find that any moment can be turned into an opportunity. Allow yourself to take it easy. Take it one step at a time. You might discover the important things you were missing, and they will reach out to you.” -ksj



STATE ISLAMIC UNIVERSITY  
SUNAN KALIJAGA  
YOGYAKARTA

## **DEDICATION**

With gratitude towards Allah SWT, I dedicate my thesis to:

My wonderful family, who have always showered me with love and prayers,

Fellow HKI'17 friends and acquaintances who have taught me the value of  
patience, I have learned a lot,

The entire extended family of the Islamic Family Law Study Program,

Sunan Kalijaga Islamic State University Yogyakarta,

Whoever stumbled upon this research and took the time to read it <3



STATE ISLAMIC UNIVERSITY  
**SUNAN KALIJAGA**  
YOGYAKARTA

## THE GUIDELINES ARABIC-ROMAN transliteration

Transliteration is the transfer of writing or letters from one language into another. In this thesis what is meant by transliteration is the transfer of Arabic letters to Indonesian Latin letters. The Arabic-Latin transliteration used in the preparation of this thesis is guided by the Joint Decree of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia Number: 158 of 1987 and Number 0543 b/U/1987. In outline, the description is as follows:

### A. Single Consonant

Arabic Letters	Names	Latin Letters	Names
ا	Alif	not symbolized	not symbolized
ب	ba"	b	be
ت	ta"	t	te
ث	sa"	ṣ	es (with a dot above)
ج	Jim	j	je
ح	ha"	ḥ	ha (with a dot below)
خ	kha"	kh	ka and ha
د	Dal	d	de
ذ	Zal	ẓ	ze (with a dot above)
ر	ra"	r	er
ز	Zai	z	zet
س	Sin	s	es
ش	Syin	sy	es and ye
ص	Sad	ṣ	es (with a dot below)
ض	Dad	ḍ	de (with a dot below)



ط	ta"	!	te (with a dot below)
ظ	za'	ẓ	zet (with a dot below)
ع	'ain	‘	inverted commas on top
غ	Gain	g	ge
ف	fa"	f	ef
ق	Qaf	q	qi
ك	Kaf	k	ka
ل	Lam	l	'el
م	Mim	m	'em
ن	Nun	n	'en
و	Waw	w	w
ه	ha"	h	ha
ء	hamzah	‘	apostrophe
ي	ya"	y	ye

B. Double Consonants Due to *Syaddah*

مُتَعَدِّدَةٌ	written	<i>Muta'addidah</i>
عِدَّةٌ	written	'iddah

C. *Ta' Marbutah* at The End of a Word

1. When switched off, it is written as h.

حِكْمَةٌ	written	<i>Hikmah</i>
عِلَّةٌ	written	'illah

(This provision is not required for Arabic words that have been absorbed into the Indonesian language, such as prayer, zakat and so on, except when the original pronunciation is required.)

2. When followed by the article al and the second reading is separated, it is written with h.

كِرَامَةُ الْأَوْلِيَاءِ	written	<i>Karamah al-Auliya'</i>
--------------------------	---------	---------------------------

3. When ta' marbutah is alive or with fathah, kasrah and dammah, it is written t or h.

زَكَاةُ الْفِطْرِ	written	<i>Zakah al-Fitri</i>
-------------------	---------	-----------------------

#### D. Short Vowels

فعل	fathah	written	a <i>fa'ala</i>
ذكر	kasrah	written	i <i>žukira</i>
يذهب	dammah	written	u <i>yazhabu</i>

#### E. Long Vowels

1	Fathah + alif جا هلية	written written	ā <i>jāhiliyyah</i>
2	Fathah + ya' mati تنسى	written written	ā <i>tansā</i>
3	kasrah + ya' mati كرمي	written written	ī <i>karīm</i>
4	dammah + wawu mati فروض	written written	ū <i>furūd</i>

#### F. Double Vowels

1	Fathah + ya' mati بينكم	written written	Ai <i>Bainakum</i>
2	Fathah + wawu mati	written	Au

	قول	written	<i>qaul</i>
--	-----	---------	-------------

#### G. Consecutive Short Vowels in One Word Separated by an Apostrophe

أَنْتُمْ	written	<i>A'antum</i>
لَنْ شَكَرْتُمْ	written	<i>La'in syakartum</i>

#### H. Compound words Alif + Lam

The article in Arabic writing is symbolized by the letter ال, but in this transliteration the article is distinguished by the article followed by the letter *shamsiyah* and the article followed by the letter *qamariyah*.

##### 1. When Followed by A *Qamariyyah* Letter

The article followed by *Qamariyah* letters is transliterated according to its sound.

أَلْقُرْآنُ	written	<i>al-Qur'ān</i>
أَلْقِيَ اس	written	<i>al-Qiyās</i>

##### 2. When followed by *Shamsiyyah* letters, it is written by doubling the *Shamsiyyah* letters that follow it, by removing the letter l (el).

الَّسَّمَاءَ	written	<i>as-Samā'</i>
الَّشَّمْسُ	written	<i>asy-Syams</i>

#### I. Writing Words in a Sentence

Written According to the Writing.

ذَوِي أَلْفُرُوضِ	written	<i>Zawi al-Furud}</i>
أَهْلِ السُّنَّةِ	written	<i>Ahl as-Sunnah</i>

#### J. Capitals Letters

Although capital letters are not recognized in the Arabic writing system, they are used in this transliteration. The use of capital letters as in *EYD*, among others, capital letters are used to write the initial letters of proper

names and the beginning of sentences. When a proper name is preceded by an article, the initial letter of the proper name is capitalized, not the initial letter of the article. Example:

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ      *Syahru Ramaḍān al-laḏī unzila fīh*  
*al-Qur'ān*

#### K. Exceptions

This transliteration system does not apply to:

1. Arabic vocabulary that is common in the Indonesian language and is found in the General Indonesian Dictionary, for example *hadith*, *lafaz*, *prayer*, *zakat* and so on.
2. Book titles that use Arabic words, but have been Latinized by the publisher, such as the title of the book *Al-Hijab*, *Fiqh Mawaris*, *Fiqh Jinayah* and so on.
3. Names of authors who use Arabic names, but come from countries that use Latin letters, for example *Quraysh Shihab*, *Ahmad Syukri Soleh* and so on.
4. Names of publishers in Indonesia that use Arabic words, for example *Mizan*, *Hidayah*, *Taufiq*, *Al-Ma'arif* and so on.

STATE ISLAMIC UNIVERSITY  
SUNAN KALIJAGA  
YOGYAKARTA

## ACKNOWLEDGEMENT

All praise and gratitude belong to Allah SWT, who provides endless grace and guidance to ensure the compiler succeeds in writing this thesis. Not to mention the *sholawat* (peace and blessing) that may always be poured out to our Master, the Prophet Muhammad SAW, as a prophet awaiting his *syafa'at* on the last day, as well as to his family, friends, and followers who have brought and spread Islam to mankind to ensure that mankind may advance from the darkest times to the brightly illuminating age that it is today.

Various kinds of obstacles, as well as accompanying prayers, have been carried out so that the compiler can finally complete this final project with the title **“Marital Rape in Indonesia: A Study of The National Commission on Violence Against Women’s Annual Notes for 2019-2021,”** as a part of the requirements for obtaining a Bachelor's degree at the Faculty of Sharia and Law, Sunan Kalijaga Islamic State University Yogyakarta.

Undoubtedly, the compiler acknowledges a lot of assistance, guidance, and encouragement from numerous sources, either directly or indirectly in the completion of this thesis. As a result, the compiler wishes to convey her appreciation to the following:

1. To my dear parents, Yasin Baidi and Rujiyati, who have showered me with love and prayers. No amount of words are able to convey how grateful I am for your ongoing support. I honestly don't know where I would be if it weren't for you two. Most importantly, thank you for your patience in leading me through the process of finishing this thesis huhu. I love you, always <3.
2. Prof. Dr. Phil. Al Makin, S. Ag., M.A., as Rector of Islamic State University Sunan Kalijaga Yogyakarta.
3. Prof. Dr. Drs. H. Makhrus, S.H., M.Hum, Dean of the Faculty of Shari'ah and Law, Sunan Kalijaga Islamic State University Yogyakarta.

4. Yasin Baidi, S.Ag., M.Ag., as the Head of the Islamic Family Law Study Program, Faculty of Shari'ah and Law, Sunan Kalijaga Islamic State University Yogyakarta.
5. Dr. Siti Muna Hayati, M.H.I., as Secretary of the Islamic Family Law Study Program, Faculty of Shari'ah and Law, Sunan Kalijaga Islamic State University Yogyakarta.
6. Dr. Ahmad Bunyan Wahib, M.Ag., M.A., as Academic and Thesis Supervisor, who constantly contributes prayers, time, encouragement, motivation, and guidance with endless patience and attentiveness to ensure that the compiler can complete this thesis.
7. All lecturers and staff of Sunan Kalijaga Islamic State University Yogyakarta's Faculty of Shari'ah and Law who have provided facilities and academic necessities.
8. The sources that provided information on these issues, which had to be studied and assimilated, were very helpful in the preparation of this thesis.
9. My one and only sister, Zidny Azkiya Noor Salsabila, thank you for all those encouragements and trusts you've put on me. All the late-night conversations spent on you attentively listening to me, and all the feedbacks I've learned a lot from. I hope you understand and feel how thankful I am for you in so many ways <3.
10. My best friends who have a special place in my heart, my loves, my queens, people I'm most proud of, Hijri Hanifah, Dinda Rahmadana, Arista Damayanti, Diazthama, and Defa Laily. Thank you for your unwavering encouragement and faith in me. Meeting you all in general has been the most pleasant encounter I've had. We've shared and learned a lot from positive and negative feelings. Thank you for willing to outgrow together. You know I love you <3.
11. My precious angels, Almeera and Khaula, my nieces who sometimes bothered me gently in completing this thesis, thank you for the small and cute distractions hehe. Thank you for being born into this world and brings happiness to those around you <3.

12. Discovering you, Bangtan, has been the best thing that has ever happened to me. For anything good that I could absorb and get a lot of insight from, *borahae* <3.
13. And most importantly, I want to thank myself for not giving up. I know you're a bad "B" I'm most proud of. Thank you for being genuinely kind and gentle to yourself despite everything. You rocked it real hard!! <3

Yogyakarta, 27 Jumadil-Akhirah 1445 H

11 Desember 2023 M

Compiler,



Azhariyya Noor Oktaviana

SRN. 17103050097

STATE ISLAMIC UNIVERSITY  
SUNAN KALIJAGA  
YOGYAKARTA

## TABLE OF CONTENTS

<b>ABSTRACT .....</b>	<b>i</b>
<b>ORIGINALITY AND PLAGIARISM-FREE STATEMENT .....</b>	<b>ii</b>
<b>BACHELOR THESIS APPROVAL LETTER .....</b>	<b>iii</b>
<b>FINAL ASSIGNMENT RATIFICATION SHEET .....</b>	<b>iv</b>
<b>MOTTO .....</b>	<b>v</b>
<b>DEDICATION .....</b>	<b>vi</b>
<b>THE GUIDELINES ARABIC-ROMAN TRANSLITERATION.....</b>	<b>vii</b>
<b>ACKNOWLEDGEMENT .....</b>	<b>xii</b>
<b>TABLE OF CONTENTS .....</b>	<b>xv</b>
<b>CHAPTER I.....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
A. Background of Issue .....	1
B. Research Issues .....	4
C. Objective and Significance .....	4
D. Literature Review.....	5
E. Theoretical Framework.....	10
F. Research Method .....	16
G. Outline of Thesis.....	20
<b>CHAPTER V.....</b>	<b>89</b>
<b>CONCLUDING REMARKS.....</b>	<b>89</b>
A. Conclusions.....	89
B. Recommendations.....	90
<b>BIBLIOGRAPHY.....</b>	<b>92</b>



## CHAPTER I

### INTRODUCTION

#### A. Background of Issue

Family is an institution of society. Thus, it's supposed to be the safest place for family members. Domestic violence, on the other hand, is more likely to take place in a household. Domestic violence is defined literally as any kind of abuse committed by one family member against another. Domestic violence takes many forms, including physical abuse, psychological and emotional abuse, and sexual abuse.<sup>1</sup> Domestic violence may occur to any member of the household, though it is more likely to happen to the wife as a form of abuse from the husband.<sup>2</sup> The husband is considered to wield more power in the household than the wife, who is less dominant. The social division of men's and women's roles, which places women in subordinate positions, makes them easy targets for abuse, particularly sexual abuse.

The World Health Organization (WHO) defines sexual violence as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person's sexuality using coercion, committed by any person regardless of their

---

<sup>1</sup> Siti Musdah Mulia, *Muslimah Reformis Perempuan Pembaru Keagamaan*, 1st edition (Bandung: PT Mizan Pustaka, 2005) p. 155.

<sup>2</sup> *Ibid*

relationships with the victim, in any setting, including but not limited to home and work.<sup>3</sup>

According to Article 8, Act No. 23 the Year 2004 on Elimination of Violence in Households, sexual violence can also be defined as forced sexual intercourse against one of the family members for particular or commercial purposes.<sup>4</sup>

Sexual intercourse between spouses must be conducted in an acceptable manner (*ma'ruf*). The husband's command to treat his wife graciously is reinforced in the Qur'an.<sup>5</sup> Another verse emphasizes how the husband should not physically, psychologically, or sexually torment his wife.<sup>6</sup>

Generally, the Qur'an strictly forbids the act of lust indulgence through violence and coercion. Husbands are not permitted to engage in sexual intercourse as they please. If there are husbands who use al-Qur'an verses to justify raping and abusing their wives, it is they who are more certainly possible to do so and seek religious justification for their wrongdoing.<sup>7</sup>

Unfortunately, there is no mention of marital rape in Islamic family law literature. In Arabic, the term *al-ightisab az-zauj* refers to sexual intercourse between partners without mutual consent. It is difficult to

---

<sup>3</sup> World Health Organization, *Understanding and Addressing Violence Against Women*, p.2.

<sup>4</sup> Act No. 23 Year 2004 on Elimination of Violence in Household, Article 8.

<sup>5</sup> An-Nisa' (4): 19.

<sup>6</sup> Al-Baqarah (2): 231.

<sup>7</sup> Asma Barlas, *Cara Quran Membebaskan Perempuan*, alih bahasa R. Lukman Hakim, 1st edition (Jakarta: PT Serambi Ilmu Semesta, 2005) p. 284.

conceive of marital rape occurring, given that the aim of marriage envisioned by Islam is to foster a sense of *sakinah*, which is tranquility generated in a family environment. This is accomplished by the fulfillment of equal rights and obligations, as well as tolerance between husband and wife. Aside from that, there are *mawaddah* and *rahmah*, which are feelings of mutual affection that are fulfilled in order to provide advantages for family members. This is why conducting marital rape is fascinating to be discussed.

Marital rape cases have been reported in a variety of painful forms, including forced sexual intercourse while the woman is on her monthly cycle and bleeding from the anus. The number of registered cases of marital rape reported to the National Commission on Violence Against Women has decreased over the last three years, particularly from 2019 to 2021. The number of cases has plummeted, with 192 cases in 2019, 100 cases in 2020, and 57 cases in 2021.<sup>8</sup> The compiler is intrigued about the contributing factors to the decrease in numbers, as well as the marital rape form reported in the National Commission on Violence Against Women's Annual Notes and its relevance to the principles of Islamic sexual relations. Furthermore, the compiler was prompted to conduct this research as a result of her awareness of the heinous act of marital rape in Indonesia, as well as the lack of adequate response from authorities and society to this specific matter. Therefore, the compiler is engrossed to examine marital rape under the title,

---

<sup>8</sup> *Ibid*, p.2.

*“Marital Rape in Indonesia: A Study of The National Commission on Violence Against Women’s Annual Notes for 2019-2021.”*

**B. Research Issues**

Based on the background of the issues discussed above, the compiler formulated some research issues questions, which are listed below:

1. What are the factors that contribute to the decrease in marital rape cases reported in the National Commission on Violence Against Women's Annual Notes for 2019-2021?
2. What form of marital rape is documented in the Commission on Violence Against Women's Annual Notes?

**C. Objective and Significance**

1. Objectives of Research

The aim of this research attempts to:

- a. Identify the factors that contribute to the decrease in marital rape cases reported in the National Commission on Violence Against Women's Annual Notes for 2019-2021.
- b. Identify the marital rape form documented in the Commission on Violence Against Women’s Annual Notes.

2. Significances of Research

The significance the compiler wants to achieve in this research is included in the followings:

- a. Theoretical

The compiler who aspires to this research can theoretically contribute to the expansion of the scientific horizon. The compiler hopes that this research will be a useful reference and a good source for the next researcher who wants to investigate this specific topic.

b. Practical

Practically, the compiler hopes that this research will be able to reach out to readers, particularly women, and society in general, to enrich their understanding of marital rape as a form of domestic violence.

#### D. Literature Review

After discovering some works of literature discussing marital rape issues, the compiler used some of these works as references in completing this thesis. The compiler classified the works based on theoretical framework similarities, such as normative and juridical, human rights, psychology, and feminism. The majority of prior works of literature used as references utilized a normative approach, including the following:

First, Milda Marlia's book, *Marital Rape, Kekerasan Seksual Terhadap Istri*.<sup>9</sup> The book primarily demonstrates marital rape from the perspectives of Islamic Law and Criminal Law. Rape is strongly condemned in Islam because it violates the purpose of *mu'asyarah bi al-ma'ruf*, a great

---

<sup>9</sup> Milda Marlia, *Marital Rape: Kekerasan Seksual Terhadap Istri* (Yogyakarta: Pustaka Pesantren, 2007).

and proper relationship between spouses. Juridically, the criminal code as well as the bill of criminal code only regulates rape outside of marriage. Marital rape is classified as an act of persecution rather than a rape crime.

Second, an article titled, *Islamic Perspective on Marital Rape* written by Muh Endriyo Susila.<sup>10</sup> The paper concluded that the husband is obliged under Islamic teaching to treat his wife well, or *mu'asyarah bil ma'ruf*. In the realm of sexual intercourse, *mu'asyarah bil ma'ruf* can be utilized while respecting the wife's rights and willingness. As a result, the husband is not advised to coerce his wife into engaging in sexual intercourse if she is reluctant.

Third, an article written by Zikri Darussamin and Armansyah, titled *Marital Rape Sebagai Alasan Perceraian Dalam Kajian Maqasid Syari'ah*.<sup>11</sup> This paper discloses that based on *maqasid syari'ah*, marital rape is a prohibited act in Islam that results in punishment for those who commit it. Since marital rape has so many adverse implications, it can be used as one of the reasons for divorce.

Fourth, the succeeding reference is a journal titled *Husband's Sexual Violence: Protection Rights for Wives in Terms of Islamic and Indonesian State Law*, written by Maulida Hayati and Nuraliah Ali.<sup>12</sup> This paper examines how Islamic Law, the Penal Code, and the Domestic Violence

---

<sup>10</sup> Muh Endriyo Susila, "Islamic Perspective on Marital Rape", *Jurnal Media Hukum*, Vol. 20, No. 2 (2013).

<sup>11</sup> Zikri Darussaim and Armansyah, "Marital Rape Sebagai Alasan Perceraian Dalam Kajian Maqasid Syariah", *Al-Ahwal*, Vol.12, No. 1 (2019 M/ 1439 H).

<sup>12</sup> Mulida Hayati and Nuraliah Ali, "Husband's Sexual Violence: Protection Rights for Wives in Terms of Islamic and Indonesian State Law," *al-Risalah*, Vol. 21, No. 1 (2020).

Elimination Act regard marital rape as heinous and forbidden behavior. The perpetrators are threatened with *ta'zir* (punishment), to protect humans from violence, particularly women with the status of wives.

Fifth, an undergraduate thesis written by Muhammad Rosyid Ridho titled *Tindakan Pemerkosaan Suami Terhadap Istri (Marital Rape) Dalam Tinjauan Hukum Islam dan UU No. 23 Tahun 2004 Tentang P-KDRT, Studi Catatan Tahunan Komnas Perempuan Tahun 2016-2018*.<sup>13</sup> The paper stated that marital rape in Islamic law includes forced sexual intercourse while the wife is on her period, fasting, and sadistic sex. In Islam, marital rape is considered an abhorrent and forbidden act. According to the Elimination of Violence in the Household Act, forms of forced sexual intercourse are when it is initiated in a morbid way, or when it is done with other intentions, such as commercial purposes. Sexual abuse is prohibited under the Elimination of Domestic Violence Act, and those who commit it will face a penalty.

Sixth, an article titled *Menggeser Paradigma Kontra Terhadap Kriminalisasi Pemerkosaan Dalam Rumah Tangga* written by Riskyanti Juniver Siburian.<sup>14</sup> Initially, the Indonesian criminal act did not take into account forced sexual intercourse in marriage to be rape. Eventually, Article 46 jo, Article 8 Letter (a) of the Elimination of Violence in a Household

---

<sup>13</sup> Muhammad Rosyid Ridho, "Tindakan Pemerkosaan Suami Terhadap Istri (*Marital Rape*) Dalam Tinjauan Hukum Islam dan UU No. 23 Tahun 2004 Tentang P-KDRT; Studi Catatan Tahunan Komnas Perempuan Tahun 2016-2018," a *bachelor thesis* of Islamic Family Law of Institut Agama Islam Negeri Ponorogo (2020).

<sup>14</sup> Riskyanti Juniver S, "Menggeser Paradigma Kontra Terhadap Kriminalisasi Pemerkosaan Dalam Rumah Tangga," *Lambung Mangkurat Law Journal*, Vol. 5, Issue. 1 (March 2020).

Act, and the Draft of the Elimination of Sexual Violence Act began to criminalize coercion of sexual intercourse in the realm of marriage.

Seventh, an article titled *Comparative Perspective on Marital Rape: Western Law and Islamic Law* written by Ainunnisa Rezky, Andini Naulina, and Raditio Jati.<sup>15</sup> According to Western law, some states consider marital rape to be a criminal act, while others do not. Most states do not use force as a reason to exempt husbands, but instead, use conditions for vulnerable wives, and it is considered legal to have sexual relations without their consent. Marital rape, on the other hand, is forbidden in Islam. Husbands who perpetrate such heinous acts may be penalized for violating their wives' rights and considered sinful.

Furthermore, the prior works of literature that utilized a human rights approach include as follows; first, an article titled *Marital Rape Sebagai Pelanggaran Hak Asasi Manusia* written by Titin Samsudin.<sup>16</sup> The paper perceives marital rape as direct violence that leads to an action that can physically and psychologically attack an individual. That heinous act violates the most fundamental of human rights, namely the right to secure life and the ability to have a healthy sexual relationship.

Second, an article titled *The Implementation of Sustainable Development Goals to Stop Marital Rape in Indonesia* written by Natasya

---

<sup>15</sup> Ainunnisa Rezky et al., "Comparative Perspective on Marital Rape: Western Law and Islamic Law," *Advances in Economics, Business and Management Research*, Vol. 130 (2019).

<sup>16</sup> Titin Samsudin, "Marital Rape Sebagai Pelanggaran Hak Asasi Manusia," *Jurnal Al-Ulum*, Vol. 10, No. 1 (December 2010).



Fila Rais.<sup>17</sup> The law of supremacy is still not being enforced properly in cases of marital rape. Other measures are still unable to reach the entire Indonesian society. The government can re-evaluate sexual violence actions in order to minimize marital rape in the future. Gender equality in Indonesia can therefore be attained.

Third, a paper titled *Psychosocial Implications of Marital Rape* disclosed by Oana Lavinia Filip and Lavinia Elisabet Popp is a further instance of a piece of literature cited by the compiler that employed a psychology approach.<sup>18</sup> The writers of this study interviewed 13 women who had been raped by their husbands in their marriages. It highlights the complexities of the repercussions of marital rape; the victim's psyche is severely impacted; they may have anxiety, panic attacks, and depression, tend to isolate themselves, and even threaten to commit suicide.

Lastly, an article titled *Feminist Consciousness to Prevent Marital Rape Victimization of Women During the Covid-19 Pandemic* written by Jenny Rahayu Afsebel Situmorang employed a feminist approach.<sup>19</sup> The research investigates the relationship between marital rape and women's awareness during the covid-19 pandemic. Women's awareness pertains to the feminist consciousness or victimhood awareness that women must have in order to recognize the external potential influences that lead to coercion

---

<sup>17</sup> Natasya Fila R, "Implementation of Sustainable Development Goals to Stop Marital Rape in Indonesia," *Advances in Social Science, Education and Humanities Research*, Vol. 162 (2017).

<sup>18</sup> Oana Lavinia Filip and Lavinia Elisabet Popp, "Psychosocial Implications of Marital Rape", *MATEC Web of Conferences*, (2021).

<sup>19</sup> Jenny Rahayu A. S, "Feminist Consciousness to Prevent Marital Rape Victimization of Women During the Covid-19 Pandemic," *Buana Gender*, Vol. 6, No. 1 (January – June 2021).

and sex role oppression. There is no dispute that in the context of the covid-19 pandemic, women encounter increased relationship violence, notably marital rape.

Thus, the study titled *Feminist Consciousness to Prevent Marital Rape Victimization of Women During the Covid-19 Pandemic* is the closest to what the compiler is attempting to assess of all the prior research demonstrated above. The writer utilized marital rape instances from the Annual Notes, which are examined in the context of the covid-19 pandemic. What distinguishes the two is that the writer employed a feminist approach to derive conclusions, whereas the compiler of this research utilized a legal sociological approach. This limitation is imposed to maintain a strong focus and prevent a broader discussion of research.

#### **E. Theoretical Framework**

Everyone desires to have a *Sakinah* (tranquility), *Mawaddah* (blessing), or *Wa Rahmah* (affectionate) family. A *Samara* family is an amicable family in which each family member plays an important role in carrying out their rights and obligations in proportion.<sup>20</sup> The rights and obligations of the husband and wife are as follows:

1. The husband and wife carry out the obligation to maintain the *Samara* household, which is the fundamental foundation of the community structure.

---

<sup>20</sup> Elimartati, "Building A Sakinah Mawaddah Warahmah Family (A Family with Tranquility, Love, and Mercy)," *International Conference on Humanity, Law and Sharia (ICHLaSh)*, (November, 2018), p. 32.

2. The husband and wife must love, respect, and be loyal to one another, while also providing internal and external support.
3. Both the husband and wife must take accountability for their children's physical, spiritual, intellectual, and religious well-being.
4. The husband and wife must respect each other's dignity.
5. To be accountable for the security and well-being of the family, as well as to provide physical and psychological support.
6. For the husband to provide for his wife both physically and psychologically, to reassure her to the best of his ability, and to protect her from all obstacles.
7. Respectfully treat the wife in any circumstance.
8. To assist the wife with household chores, especially child care, and to make an effort to engage in sexual intercourse respectfully and pleasantly.
9. To be dependable, disciplined, and full of understanding carried out with love.<sup>21</sup>

Sexual intercourse should be conducted with love, care, and respect from both parties. A *Samara* family is difficult to establish if it is based on violence, particularly forced sexual intercourse known as marital rape.

---

<sup>21</sup> Hamid Pongoliu, "Family of Sakinah, Mawaddah, Warahmah in the Concept of Islamic Marriage," *Jurnal Pemikiran Hukum Islam al-Mizan*, Vol. 13, No. 1 (2017), p. 12-13.

Marital rape is a type of coercive sexual intercourse committed by the husband against the wife or the other way around. As proven by numerous works of literature, wives are frequently the victims of such wrongdoings. Marital rape is a rape that takes place inside a marriage in which the husband attempts to violently force the wife to engage in sexual intercourse without her consent. Marital rape is classified as rape because it involves coercion, intimidation, and violation, all of which can have adverse impacts on the wives both physically and psychologically. In terms of physical implications, marital rape causes blisters on the vagina or other physical injuries, usually caused by the husband's abusive behavior,<sup>22</sup> which he initiated to force the wife to engage in sexual intercourse when she is weary or asleep. Other implications of marital rape include a difficult labor process for the wife, the baby being born prematurely, and miscarriage. In terms of psychological implications, marital rape can result in long-term disappointment, fear, and trauma from sexual encounters.

The closer the victims get to their perpetrators, the more burdensome and dangerous it becomes for the victims because it tends to be done repeatedly considering no interference from other parties. Marital rape is regarded a criminal act for violation of human rights. The Annual Notes of the National Commission on Violence Against Women have stated that,

---

<sup>22</sup> Milda Marlia, *Marital Rape: Kekerasan...*, p. 24.

from the perspective of the victim, marital rape is a form of coercion that is malicious and inhumane and results in pain and suffering.<sup>23</sup>

The National Commission on Violence Against Women (*Komnas Perempuan*) is one of Indonesia's National Human Rights Institutions and a women's organization that advocates for the fulfillment and advancement of women's rights in Indonesia.<sup>24</sup> The institution arose in response to the demands of society, particularly women, on the government to embody its responsibility in responding to and dealing with violence against women. Its entire body of work is concrete proof, the data is derived from studies, research, and monitoring of victims and survivors.

The Annual Notes (*Catatan Tahunan*) on the other hand, is a record of violence against women cases reported from various communities or government institutions across all provinces of Indonesia, from direct complaints reported on the National Commission on Violence Against Women through a Complaints and Referrals Unit (UPR), including its official e-mail, within the previous year.<sup>25</sup>

The compiler employed the domestic violence forms concept outlined in Law Number 23 of 2004 regarding the Elimination of Violence in Households to analyze the issue mentioned above regarding marital rape forms. Article 5 letter (c) states that all forms of domestic violence in a

---

<sup>23</sup> Komnas Perempuan, *Catatan Tahunan Tentang Kekerasan Terhadap Perempuan Tahun 2018*, (Jakarta: Komnas Perempuan, 2019), p. 103

<sup>24</sup> "Profil Komnas Perempuan," <https://en.komnasperempuan.go.id/about-profile-komnas-perempuan>, on accessed 15<sup>th</sup> of August 2022.

<sup>25</sup> Komnas Perempuan, *Catatan Tahunan...2018*, p. 1.

family are outlawed, including psychological abuse, psychic violence, sexual violence, and household negligence.<sup>26</sup>

The compiler will next correlate some of these marital rape forms to Islamic sexual relations principles. The unlawfulness of sexual intercourse relates to certain situations or conditions. Even though sexual intercourse occurs between husband and wife, it is nonetheless illegal if the following circumstances or conditions exist<sup>27</sup>:

1. It is conducted during Ramadan fasting,
2. It is carried out when the wife is menstruating<sup>28</sup>,
3. It is performed throughout the wife's parturition phase (*nifas*),
4. Penile penetration upon the wife's anus (anal sex).

Furthermore, the compiler employed Soerjono Soekanto's legal effectiveness theory to analyze the factors that led to the decreased number of marital rape cases in the Annual Notes. According to Soerjono Soekanto, "effectiveness" may be interpreted as the extent to which a group can attain its purposes. A law is considered effective if it has a beneficial legal influence in directing or altering human behavior to the point where it becomes legal conduct.<sup>29</sup> As stated by Soerjono Soekanto, the following five factors influence the law's effective implementation<sup>30</sup>:

---

<sup>26</sup> Act No. 23 Year 2004 on Elimination..., Article 5, p. 5 – 6.

<sup>27</sup> Muh Endriyo Susila, "Islamic Perspective...", p. 325.

<sup>28</sup> Q.S al-Baqarah (2): 222.

<sup>29</sup> Soerjono Soekanto, *Efektivitas Hukum dan Penerapan Sanksi* (Bandung: CV. Ramadja Karya, 1980), p. 80.

<sup>30</sup> Soerjono Soekanto, *Faktor-faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: PT. Raja Grafindo Persada, 2008), p. 8.

1. Legal factors (the law itself). This factor examines if the laws enacted are by a society's *volkgeist* (the essence of the nation). The law will be regarded as effective if the community is able to implement and carry out the legal criteria.
2. Law enforcement factors, or those who formulate and implement the law; are those who carry out the obligations of law enforcement. This pertains to the mentality and personality of lawmakers (the Representatives Council and the President) as well as law enforcers (the General Attorney, the Police, and judicial institutions). Authorities perform the most vital role in making every rule of law effective in society in this regard.
3. Facility factors that assist law enforcement. In general, facilities are classified as physical or non-physical. Offices, buildings, warehouses, and the number of employees are elements of physical facilities. Non-physical facilities include software, databases, and officers' skills/abilities, among other things.
4. Community factors, namely the environment in which the law is implemented. This component emphasizes the community's situation and circumstances. Education level, legal literacy of the community, community employment, community income range, and so on are all indices of legal effectiveness correlated with community elements.

5. Cultural factors resulting from labor, innovation, and preference are based on the human initiative in social life. This component additionally encompasses the characteristics of local community conduct and propriety, particularly whether or not customary law has developed in a given community. Indeed, even though it is an unwritten law, people tend to adhere to customary law more than codified law.

## **F. Research Method**

The research method is a scientific process to obtain information with a specific intent and utility. According to Creswell, as cited by Sugiyono, research methods include the methods of data collection, analysis, and interpretation that relate to the objective of the study.<sup>31</sup> The compiler employs the following research method to analyze the data:

### **1. Type of Research**

The compiler is using the qualitative research method to determine how to examine, gather, process, and interpret the research data. According to Conny R. Semiawan, as cited by Samsu, the primary goal of qualitative research is to gain a thorough understanding of an incident, phenomenon, factual occurrence, reality, or a certain issue.<sup>32</sup>

---

<sup>31</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, 1<sup>st</sup> edition (Bandung: Alfabeta, 2019), p. 2.

<sup>32</sup> Samsu, *Metode Penelitian: Teori dan Aplikasi Penelitian Kualitatif, Kuantitatif Mixed Methods, serta Research & Development*, 1st edition (Jambi: Pusaka Jambi, 2017), p. 2.



To gain a thorough understanding, the compiler organizes the information data through library research. Library research is a sequence of processes that includes gathering literature information, reading, taking notes, and processing research material.<sup>33</sup> The compiler relied on library research because a thorough understanding of marital rape from numerous works of literature and cases reported in the National Commission on Violence Against Women's Annual Notes is required. The compiler's literature is drawn from books, journals, papers, and websites on the subjects of marital rape and domestic violence.

## 2. Characteristic of Research

As a characteristic of this research, the compiler employs descriptive analysis. The descriptive analysis research method is a methodology for gaining a deep understanding and information that contains interpretation, and has the potential to significantly affect the research substance.<sup>34</sup> It implies that using descriptive analysis creates a direct link between the compiler and the research subject. Descriptive analysis is a type of analysis that is used to describe current events. The processes include gathering information as well as descriptive data interpretation.<sup>35</sup>

## 3. Approach

---

<sup>33</sup> Mestika Zed, *Metode Penelitian Kepustakaan*, 1st edition (Jakarta: Yayasan Obor Indonesia, 2008), p. 3.

<sup>34</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D* (Bandung: Alfabeta, 2018), p. 3.

<sup>35</sup> Samsu, *Metode Penelitian...* p. 111.

In arranging this thesis, the compiler employs legal sociology as a research approach. Legal sociology is essentially a synthesis of two scientific disciplines. The term "sociology" refers to the discipline of sociology, whereas the term "legal" refers to the regulations that arise as a result of adjustments to various forms of social phenomena that exist in society.

According to Soerjono Soekanto, legal sociology is a discipline that empirically and analytically evaluates the mutual interdependence between law and other social symptoms.<sup>36</sup>

#### 4. Technique of Collecting Data

Since the compiler conducts library research, the documentation method is used to gather data. A documentation method is used to obtain some explanations or past events via information relevant to particular data extraction. This technique involves gathering information from various sources, such as documents and archives related to a specific subject.<sup>37</sup> The data used in this research is provided from two library categories, as the followings:

##### a. Primary Data Source

The primary data source utilized in this research is the Annual Notes of the National Commission on Violence Against

---

<sup>36</sup> Abd Razak M et al, *Sosiologi Hukum* (Bandung: CV. Media Sains Indonesia, 2020) p.4.

<sup>37</sup> Arry Pongtiku et al., *Metode Penelitian Kualitatif Saja* (Jayapura: Nulisbuku, 2016), p. 241.

Women, as well as books related to the subject of marital rape and domestic violence.

b. Secondary Data Source

In this research, other written sources, such as articles, journals, and websites, are employed as secondary data sources.

The compiler made some notes on things that appeared to be essential and related to the main subject, and then organized them for data analysis.

5. Data Analysis

According to Bogdan in his book, *Qualitative Research for Education: An Introduction to Theory and Methods*, data analysis is the process of searching and organizing the data materials that one accumulates systematically in order to increase one's understanding of the subject and enable them to present what has been discovered to others.<sup>38</sup>

Since this thesis used descriptive analysis to identify the characteristics of this research, the compiler analyzes the data using deductive reasoning. Deductive data analysis is a research method that relies on concepts and theories to formulate a hypothesis. The compiler introduces the general interpretation of marital rape as domestic

---

<sup>38</sup> Quoted by Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, 2<sup>nd</sup> edition (Bandung: Alfabeta, 2019), p. 319.

violence, as well as the cases reported in the National Commission on Violence Against Women's Annual Notes.

### **G. Outline of Thesis**

The compiler divides the thorough discussion into five chapters to make directing and arranging this thesis easier:

The first chapter provides an overview of the issue's background, research issues, the research's objective and significance, literature reviews, theoretical frameworks, the research method, and the thesis outline.

The second chapter provides a general overview of domestic violence in Indonesian Law. The general introduction, various types, forms, scopes, reasons, and repercussions of domestic violence as well as the rights and protection for the victims. This chapter describes the definition and legal foundation from the standpoint of Indonesian Law Number 23 of 2004 concerning Domestic Violence Elimination. In addition, the subject of marital rape is also briefly addressed from an Islamic perspective. Before delving too deeply into the specific subject of this thesis, these descriptions are intended to assist the compiler in analyzing and comprehending marital rape as domestic violence in general.

The third chapter outlines the overview of marital rape as a form of domestic violence in the Commission on Violence Against Women's Annual Notes. These descriptions attempt to shed light on the subjects of marital rape in the *Komnas Perempuan's* Annual Notes, including definition, forms, causes, repercussions, and its take on the regulation. The

National Commission Against Women Institution and Annual Notes definition will also be discussed briefly.

The fourth chapter examines the analysis of marital rape in the Annual Notes of The National Commission on Violence Against Women for 2019-2021. The contributing factors to the decrease in marital rape cases reported in the Annual Notes are described, as well as the marital rape forms documented in the Annual Notes.

The fifth chapter includes comments on the conclusions of the entire sequences stated, recommendations the compiler expected to be beneficial to the compiler as well as the broader community, and an annotated bibliography.



## CHAPTER V

### CONCLUDING REMARKS

#### A. Conclusions

Based on the discussion and analysis the compiler has presented in the previous chapters, several things can be drawn as conclusions in this study. Each can be concluded as follows:

1. Factors contributing to the decrease in marital rape cases reported in *Komnas Perempuan* include: *first*, the data in the Annual Notes is based solely on responses received from service provider institutions such as police, P2TP2A, hospitals, and courts; *second*, the number of instances documented comprises only those that were reported; *three*, in the setting of a pandemic, the lack of service facilities and victims' limited mobility make it difficult to report their cases. The intensified protection for victims of domestic violence provided by *Komnas Perempuan* during the pandemic is sufficient. However, an analysis of legal effectiveness indicated that community law enforcement was insufficient, resulting in *Komnas Perempuan's* ineffectiveness lacking managing cases of marital rape during the pandemic. Notably in legal factors that are still ambiguous, law enforcement elements that took domestic violence concerns lightly, and law facility factors that reveal that the *Komnas Perempuan's* service facilities were restricted during covid-19.

2. In the *Komnas Perempuan's* Annual Notes, the forms of marital rape occurrences are unwanted sexual intercourse such as coerced sexual intercourse during the wife's menstrual cycle, committing sodomy, and when the wife is feeling unwell. These forms of marital rape correspond with Articles 5 and 8 of the Law Number 23 of 2004 Concerning the Elimination of Violence in Households, which identifies forced sexual intercourse within the family as a form of sexual violence. These forms also conform to the Islamic principle of sexual relations, which forbids sexual intercourse that harms one of the partners. Although Islam does not recognize marital rape, it does forbid its adherents from having sex in ways that do not comply with Islamic *sharia*.

## **B. Recommendations**

Based on the findings of the study, the compiler will provide the following suggestions:

1. To the community, especially for women, it is vital to nurture feminist consciousness in every woman so that woman is spared from inequality, regardless of husband-and-wife relationships that require mutual agreement. In terms of marital rape, feminist consciousness will make us women recognize that women have the right to be protected and that sexual interactions must be

consent-based. This is required not only during Covid-19, but all the time.

2. Everyone in the community, particularly those who are married, is urged to love and respect one another. Recognize actions that may cause harm and deprive others of happiness. In addition, the community is expected to comprehend the presence of Law No. 23 of 2004, words of the Qur'an or Hadith for them not to be read narrowly.
3. Finally, as the compiler, I consciously acknowledge several faults and errors in finishing this thesis. As a result, this research still needs advancement in the form of further research findings.





## BIBLIOGRAPHY

### A. The Holy Qur'an

Al-Baqarah (2): 228.

Al-Baqarah (2): 231.

An-Nisa' (4): 19.

An-Nisa' (4): 3.

Kementrian Urusan Agama Islam, Wakaf, Da'wah dan Irsyad, *al-Qur'an dan Terjemahannya* (Saudi Arabia: Mujamma' Malik Fahd Lii Thiba'at Al Mush-haf Asy Syarif, 1418 H).

### B. Legislation

Act No. 23 Year 2004 on Elimination of Violence in Household.

### C. Books & Journals

A, Salsabila, and Rajin S, "Analisis Pemerkosaan Dalam Rumah Tangga (Marital Rape): Sebab, Modus, Operandi, Perlindungan Hukum Terhadap Korbannya dan Upaya Mengatasinya," *Unes Law Review*, Vol. 5, Issue 4, 2023.

A. S, Jenny Rahayu, "Feminist Consciousness to Prevent Marital Rape Victimization of Women During the Covid-19 Pandemic," *Buana Gender*, Vol. 6, No. 1, January – June 2021.

Affiah, Neng D. et al, *Rekam Juang Komnas Perempuan: 16 Tahun Menghapus Kekerasan terhadap Perempuan*, Jakarta: Komnas Perempuan, 2014.

Alan and Joseph, *Crisis Intervention*, Los Angeles: SAGE, 2018.

Barlas, Asma, *Cara Quran Membebaskan Perempuan, alih bahasa R. Lukman Hakim*, 1st edition, Jakarta: PT Serambi Ilmu Semesta, 2005.

Barshis, Victoria R. Garnier, "The Question of Marital Rape," *Women's Studies Int. Forum*, Vol. 6, No. 4, 1983.

Bennice, Jennifer A., and Patricia A. Resick, "Marital Rape: History, Research, and Practice," *Trauma, Violence & Abuse*, Vol. 4, No. 3, 2003.

Danica, Angeline A. et al., "Kriminalisasi Marital Rape: Eksistensi dan Pembuktiannya," *Jurnal Yustika*, Vol. 25, No. 1, (2022).

Darussaim, Zikri, and Armansyah, "Marital Rape Sebagai Alasan Perceraian Dalam Kajian Maqasid Syariah", *Al-Ahwal*, Vol.12, No. 1, 2019 M/ 1439 H.

Elimartati, "Building A Sakinah Mawaddah Warahmah Family (A Family with Tranquility, Love, and Mercy)," *International Conference on Humanity, Law and Sharia, ICHLaSh*, November, 2018.

Fakhria, Sheila, and Rifqi A. Zahara, "Membaca Marital Rape dalam Hukum Keluarga Islam dan Racnangan Undang-Undang Penghapusan Kekerasan Seksual (P-KS)," *Ijtihad*, Vol. 37, No. 2, 2021.

Filip, Oana Lavinia, and Lavinia Elisabeta Popp, "Psychosocial Implications of Marital Rape", *MATEC Web of Conferences*, 2021.

- Frieze, Irene Hanson, "Investigating the Causes and Consequences of Marital Rape," *Signs*, Vol. 8, No. 13, 1983.
- Gottman, Julie Schwartz., and John M. Gottman, *10 Principles for Doing Effective Couples Therapy*, New York: W. W. Norton & Company, 2015.
- Hayati, Mulida, and Nuraliah Ali, "Husband's Sexual Violence: Protection Rights for Wives in Terms of Islamic and Indonesian State Law," *al-Risalah*, Vol. 21, No. 1, 2020.
- Jackson, Nicky Ali (ed), *Encyclopedia of Domestic Violence*, New York: Routledge, 2007.
- Kementrian Pemberdayaan Perempuan dan Perlindungan Anak, *Statistik Gender Tematik: Mengakhiri Kekerasan Terhadap Perempuan dan Anak di Indonesia*, Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2017.
- Khairul, Akbar et al., "Marital Rape dalam Perspektif Hukum Positif Indonesia dan Hukum Islam," *Mitsaq: Islamic Family Law Journal*, Vol. 2, No. 1, 2023.
- Komnas Perempuan, *Catatan Tahunan Tentang Kekerasan Terhadap Perempuan Tahun 2018*, Jakarta: Komnas Perempuan, 2019.
- \_\_\_\_\_, *Catatan Tahunan Tentang Kekerasan Terhadap Perempuan Tahun 2019*, Jakarta: Komnas Perempuan, 2020.
- \_\_\_\_\_, *Catatan Tahunan Tentang Kekerasan Terhadap Perempuan Tahun 2020*, Jakarta: Komnas Perempuan, 2021.
- \_\_\_\_\_, *Catatan Tahunan Tentang Kekerasan Terhadap Perempuan Tahun 2021*, Jakarta: Komnas Perempuan, 2022.
- \_\_\_\_\_, *Catatan Tahunan Tentang Kekerasan Terhadap Perempuan Tahun 2022*, Jakarta: Komnas Perempuan, 2023.
- Komnas Perempuan, *Standard Operation Procedure*, Jakarta: Komnas Perempuan, 2011.
- M, Abd Razak et al., *Sosiologi Hukum*, Bandung: CV Media Sains Indonesia, 2020.
- M, Linda, and Charlotte G, "Domestic Violence Between Same-Sex Partners: Implications for Counseling," *Journal of Counseling & Development*, Vol. 81, 2013.
- Marhumah et al (ed.), *Membina Keluarga Mawaddah Wa Rahmah Dalam Bingkai Sunah Nabi*, 1st edition, Jakarta: The Ford Foundation, 2003.
- Marlia, Milda, *Marital Rape: Kekerasan Seksual Terhadap Istri*, Yogyakarta: Pustaka Pesantren, 2007.
- Martha, Aroma Elmina, *Perempuan, Kekerasan dan Hukum*, 1st edition, Yogyakarta: UII Press, 2003.
- Mochamad, Sodik (ed.), *Telaah Ulang Wacana Seksualitas*, Yogyakarta: PSW IAIN Sunan Kalijaga, Depag RI, and McGill-CIDA, 2004.
- Mulia, Siti Musdah, *Muslimah Reformis Perempuan Pembaru Keagamaan*, 1<sup>st</sup> edition, Bandung: PT Mizan Pustaka, 2005.

- Ni'mah, Zulfatu, "Efektivitas Penegakan Hukum Penghapusan Kekerasan Dalam Rumah Tangga," *Mimbar Hukum*, Vol. 24, No. 1, 2012.
- Nurhayati, Eti, *Psikologi Perempuan Dalam Berbagai Perspektif*, 1st edition, Yogyakarta: Pustaka Pelajar, 2012.
- Pongoliu, Hamid, "Family of Sakinah, Mawaddah, Warahmah in the Concept of Islamic Marriage," *Jurnal Pemikiran Hukum Islam al-Mizan*, Vol. 13, No. 1, 2017.
- Pongtiku, Arry et al., *Metode Penelitian Kualitatif Saja*, Jayapura: Nulisbuku, 2016.
- R, Natasya Fila, "Implementation of Sustainable Development Goals to Stop Marital Rape in Indonesia," *Advances in Social Science, Education and Humanities Research*, Vol. 162, 2017.
- Rezky, Ainunnisa Rezky et al., "Comparative Perspective on Marital Rape: Western Law and Islamic Law," *Advances in Economics, Business and Management Research*, Vol. 130, 2019.
- Ridho, Muhammad Rosyid, "Tindakan Pemerkosaan Suami Terhadap Istri (Marital Rape) Dalam Tinjauan Hukum Islam dan UU No. 23 Tahun 2004 Tentang P-KDRT; Studi Catatan Tahunan Komnas Perempuan Tahun 2016-2018," *a bachelor thesis of Islamic Family Law of Institut Agama Islam Negeri Ponorogo*, 2020.
- S, Riskyanti Juniver, "Menggeser Paradigma Kontra Terhadap Kriminalisasi Pemerkosaan Dalam Rumah Tangga," *Lambung Mangkurat Law Journal*, Vol. 5, Issue. 1, March 2020.
- Samsu, *Metode Penelitian: Teori dan Aplikasi Penelitian Kualitatif, Kuantitatif Mixed Methods, serta Research & Development*, 1st edition, Jambi: Pusaka Jambi, 2017.
- Samsudin, Titin, "Marital Rape Sebagai Pelanggaran Hak Asasi Manusia," *Jurnal Al-Ulum*, Vol. 10, No. 1, December 2010.
- Sari, Andang, and Anggreany H. Putri, "Perlindungan Hukum Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga," *Krtha Bhayangkara*, Vol. 14, No. 2, 2020.
- Situmorang, Saur T. et al, *Mengulas Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan)*, Jakarta: Komnas Perempuan, 2013.
- Soekanto, Soerjono, *Efektivitas Hukum dan Penerapan Sanksi*, Bandung: CV. Ramadja Karya, 1980.
- \_\_\_\_\_, *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, Jakarta: PT. Raja Grafindo Persada, 2008.
- Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, 1<sup>st</sup> edition, Bandung: Alfabeta, 2019.
- \_\_\_\_\_, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, 2<sup>nd</sup> edition, Bandung: Alfabeta, 2019.
- \_\_\_\_\_, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, Bandung: Alfabeta, 2018.
- Susila, Muh Endriyo, "Islamic Perspective on Marital Rape", *Jurnal Media Hukum*, Vol. 20, No. 2, 2013.

- Sutrsiminah, Emi, "Dampak Kekerasan Pada Istri Dalam Rumah Tangga Terhadap Kesehatan Reproduksi," *Majalah Imliah Sultan Agung*, Vol. 50, No. 127, 2012.
- UNICEF, "Domestic Violence Against Women and Girls," *Innocent Digest*, No. 6, 2000.
- Walby, Sylvia, *The Cost of Domestic Violence*, Chicago: National Statistics, 2004.
- Wiehe, Vernon R. Wiehe, *Understanding Family Violence*, United States of America: SAGE Publications, 1998.
- World Health Organization, *Understanding and Addressing Violence Against Women*.
- Wulandari, Laely, and Lalu Saipudin, "Marital Rape in a Comparative Perspective of Indonesian Criminal Law and Islamic Criminal Law," *ULRev UNRAM Law Review*, Vol. 5, No. 1, 2021.
- Zed, Mestika, *Metode Penelitian Kepustakaan*, 1st edition (Jakarta: Yayasan Obor Indonesia, 2008).

#### D. Etcetera

- "Konsep Marital Rape, Masih Dianggap Antara Ada dan Tiada," <https://www.cnnindonesia.com/nasional/20210617134110-12-655661/konsep-marital-rape-masih-dianggap-antara-ada-dan-tiada>, accessed on 17<sup>th</sup> March 2023.
- "Menemukanali Kekerasan Dalam Rumah Tangga (KDRT)," <https://komnasperempuan.go.id/instrumen-modul-referensi-pemantauan-detail/menemukanali-kekerasan-dalam-rumah-tangga-kdrt>, accessed on March 1<sup>st</sup> 2023.
- "Profil Komnas Perempuan," <https://en.komnasperempuan.go.id/about-profile-komnas-perempuan>, on accessed 15<sup>th</sup> of August 2022.
- "RUU TPKS Resmi Disahkan, Menteri PPPA Apresiasi Sinergi dan Dukungan Semua Pihak," [https://www.menpan.go.id/site/berita-terkini/berita-daerah/ruu-tpks-resmi-disahkan-menteri-pppa-apresiasi-sinergi-dan-dukungan-semua-pihak#:~:text=Rancangan%20Undang%20Undang%20tentang%20Tindak,%2F2022\)%2C%20di%20Jakarta](https://www.menpan.go.id/site/berita-terkini/berita-daerah/ruu-tpks-resmi-disahkan-menteri-pppa-apresiasi-sinergi-dan-dukungan-semua-pihak#:~:text=Rancangan%20Undang%20Undang%20tentang%20Tindak,%2F2022)%2C%20di%20Jakarta), accessed on 19<sup>th</sup> February, at 5:14 PM.
- Andi Saputra, "Lagi, Suami Dipenjara Karena Memperkosa Istrinya," <https://news.detik.com/berita/d-2959821/lagi-suami-dipenjara-karena-memperkosa-istrinya>, accessed on 17<sup>th</sup> March 2023.
- Istiqomatul Hayati, "Istri Mansyardin Malik Mengaku Dipaksa Melayani, Komnas Perempuan: Marital Rape," <https://seleb.tempo.co/read/1505745/istri-mansyardin-malik-mengaku-dipaksa-melayani-komnas-perempuan-marital-rape>, accessed on 17<sup>th</sup> March 2023.
- KBBI, <https://kbbi.kemdikbud.go.id/entri/kekerasan>, accessed on September 22<sup>nd</sup> 2022, at 11:53.

Komnas Perempuan, “Komnas Perempuan’s Vision and Mission,” <https://en.komnasperempuan.go.id/pages-vision-mission-and-mandate>, accessed on March 1<sup>st</sup> 2023.

Sheri Jacobson, “Understanding Violence: What Causes It & How Should You Respond?,” <https://www.harleytherapy.co.uk/counselling/causes-of-violence-how-to-respond.htm>, accessed on December 9<sup>th</sup> 2022.





STATE ISLAMIC UNIVERSITY  
**SUNAN KALIJAGA**  
YOGYAKARTA